

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN E. ASHCRAFT,) Case No. 2:16-cv-02978-JAD-NJK
Plaintiff(s),) ORDER
vs.) (Docket Nos. 15, 17)
WELK RESORT GROUP, CORP., et al.,)
Defendant(s).)

Pending before the Court is a motion to consolidate depositions in several cases (Docket No. 15), along with an accompanying motion to shorten time (Docket No. 17). As an initial matter, the motion to shorten time (Docket No. 17) is **GRANTED**. Any response to the motion to consolidate depositions shall be filed by noon on April 25, 2017, and any reply shall be filed by the end of the day on April 26, 2017.

In addition to briefing the merits of the pending motion, the parties shall also brief which judge(s) should decide the issue. As an initial matter, the motion suggests that Judge Dorsey must decide the issue as the district judge in the low-numbered case, Docket No. 15 at 1-2 at n.1, but magistrate judges regularly handle discovery motions, *see, e.g., Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 448 (C.D. Cal.2007). Moreover, the motion seems to suggest that any judge may issue a discovery order impacting depositions in other cases, Docket No. 15 at 1-2 at n.1 (stating that under Rule 26 “any Judge may . . . order the parties to cooperate regarding overlapping discovery”), but there is authority to suggest that one judge should not decide issues regarding coordinating discovery in cases

1 pending before different judges, *see* Federal Judicial Center, MANUAL FOR COMPLEX LITIGATION §
2 11.455 (4th ed. 2016 update) (“In related cases pending before the same judge, it is best to coordinate
3 discovery plans to avoid conflicts and duplication. If the cases are pending before different judges, the
4 judges should attempt to coordinate the depositions of common witnesses and other common discovery”
5 (emphasis added)). Accordingly, the parties shall include in their briefing discussion of (1) whether it
6 is within the authority of magistrate judges to decide whether to consolidate depositions and (2) whether
7 it is proper for one judge to decide that issue when some of the depositions are in cases pending before
8 other judges.

9 Lastly, counsel are encouraged to continue conferring on this issue. *Cf. Hynix Semiconductor*
10 *Inc. v. Rambus Inc.*, 250 F.R.D. 452, 456 (N.D. Cal. 2008) (“Parties in related cases may also stipulate
11 to the use of depositions taken in one particular case”). If counsel reach an agreement, Defendant shall
12 file a notice so indicating and withdrawing the pending motion.

13 IT IS SO ORDERED.

14 DATED: April 20, 2017

15 
16 NANCY J. KOPPE
17 United States Magistrate Judge